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2010 Legislature

1 A bill to be entitled
2 An act relating to environmental control; amending s.
3 288.9015, F.S.; requiring Enterprise Florida, Inc., to
4 provide technical assistance to the Department of
5 Environmental Protection in the creation of the Recycling
6 Business Assistance Center; amending s. 403.44, F.S.;
7 eliminating a greenhouse gas registration and reporting
8 requirement for major emitters; eliminating a requirement
9 for the Department of Environmental Protection to
10 establish methodologies, reporting periods, and reporting
11 systems relating to greenhouse gas emissions; amending s.
12 403.7032, F.S.; requiring all public entities and those
13 entities occupying buildings managed by the Department of
14 Management Services to report recycling data; providing
15 exceptions; encouraging certain private entities to report
16 the disposal of recyclable materials; requiring the
17 Department of Management Services to report on green and
18 recycled products purchased through its procurement
19 system; directing the Department of Environmental
20 Protection to create the Recycling Business Assistance
21 Center; providing requirements for the center; amending s.
22 403.7046, F.S., relating to regulation of recovered
23 materials; deleting a requirement that the Department of
24 Environmental Protection appoint a technical advisory
25 committee; revising reporting requirements; amending s.
26 403.7049, F.S.; conforming a cross-reference; amending s.
27 403.705, F.S.; conforming a cross-reference; requiring
28 that the Department of Environmental Protection report

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29 | biennially to the Legislature on the state's success in
30 | meeting solid waste reduction goals; providing for the
31 | creation of a voluntary recyclers certification program;
32 | amending s. 403.706, F.S.; requiring counties to meet
33 | specific recycling benchmarks; providing legislative
34 | intent; requiring certain multifamily residential and
35 | commercial properties to make certain provisions for
36 | recycling receptacles; providing applicability;
37 | authorizing the Department of Environmental Protection to
38 | require counties to develop a plan to expand recycling
39 | programs under certain conditions; requiring the
40 | Department of Environmental Protection to provide a report
41 | to the Legislature if a specified recycling rate is not
42 | met; eliminating a requirement that counties develop
43 | composting goals; providing for waste-to-energy production
44 | to be applied toward meeting recycling benchmarks;
45 | providing exceptions; providing deadlines for the
46 | reporting of recycling data; amending s. 403.7061, F.S.;
47 | revising requirements for review of new waste-to-energy
48 | facility capacity by the Department of Environmental
49 | Protection; amending s. 403.707, F.S.; establishing
50 | recycling rates for source-separation activities;
51 | providing an exception; amending s. 403.709, F.S.;
52 | conforming a cross-reference; amending s. 403.7095, F.S.;
53 | revising provisions relating to the solid waste management
54 | grant program; deleting provisions requiring the
55 | Department of Environmental Protection to develop a
56 | competitive and innovative grant program for certain

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57 | counties, municipalities, special districts, and nonprofit
 58 | organizations; deleting application requirements for such
 59 | grant program; deleting a requirement for the Department
 60 | of Environmental Protection to evaluate and prioritize
 61 | grant proposals for inclusion in its annual budget
 62 | request; revising the distribution of funds for the small-
 63 | county consolidated grant program; deleting obsolete
 64 | provisions; amending s. 403.7145, F.S.; revising recycling
 65 | requirements for certain state buildings; providing for a
 66 | pilot project for the Capitol recycling area; amending s.
 67 | 533.77, F.S.; requiring the Florida Building Commission to
 68 | develop specified recommendations relating to recycling
 69 | and composting and the use of recyclable materials;
 70 | repealing s. 288.1185, F.S., relating to the Recycling
 71 | Markets Advisory Committee; providing an effective date.

72 |
 73 | Be It Enacted by the Legislature of the State of Florida:

74 |
 75 | Section 1. Subsection (9) is added to section 288.9015,
 76 | Florida Statutes, to read:

77 | 288.9015 Enterprise Florida, Inc.; purpose; duties.—

78 | (9) Enterprise Florida, Inc., shall provide technical
 79 | assistance to the Department of Environmental Protection in the
 80 | creation of the Recycling Business Assistance Center pursuant to
 81 | s. 403.7032(5). As the state's primary organization devoted to
 82 | statewide economic development, Enterprise Florida, Inc., is
 83 | encouraged to cooperate with the Department of Environmental
 84 | Protection to ensure that the Recycling Business Assistance

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85 Center is positioned to succeed in helping to enhance and expand
 86 existing markets for recyclable materials in this state, other
 87 states, and foreign countries.

88 Section 2. Subsections (5) through (8) of section 403.44,
 89 Florida Statutes, are renumbered as subsections (3) through (6),
 90 respectively, and present subsections (3) and (4) of that
 91 section are amended to read:

92 403.44 Florida Climate Protection Act.—

93 ~~(3) A major emitter shall be required to use The Climate~~
 94 ~~Registry for purposes of emission registration and reporting.~~

95 ~~(4) The department shall establish the methodologies,~~
 96 ~~reporting periods, and reporting systems that shall be used when~~
 97 ~~major emitters report to The Climate Registry. The department~~
 98 ~~may require the use of quality-assured data from continuous~~
 99 ~~emissions monitoring systems.~~

100 Section 3. Section 403.7032, Florida Statutes, is amended
 101 to read:

102 403.7032 Recycling.—

103 (1) The Legislature finds that the failure or inability to
 104 economically recover material and energy resources from solid
 105 waste results in the unnecessary waste and depletion of our
 106 natural resources. As the state continues to grow, so will the
 107 potential amount of discarded material that must be treated and
 108 disposed of, necessitating the improvement of solid waste
 109 collection and disposal. Therefore, the maximum recycling and
 110 reuse of such resources are considered high-priority goals of
 111 the state.

112 (2) By the year 2020, the long-term goal for the recycling

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113 | efforts of state and local governmental entities, private
 114 | companies and organizations, and the general public is to
 115 | recycle at least 75 percent of the municipal solid waste that
 116 | would otherwise be ~~reduce the amount of recyclable solid waste~~
 117 | disposed of in waste management facilities, landfills, or
 118 | incineration facilities ~~by a statewide average of at least 75~~
 119 | ~~percent~~. However, any solid waste used for the production of
 120 | renewable energy shall count toward the long-term recycling goal
 121 | as set forth in this part ~~section~~.

122 | (3) Each state agency, K-12 public school, public
 123 | institution of higher learning, community college, and state
 124 | university, including all buildings that are occupied by
 125 | municipal, county, or state employees and entities occupying
 126 | buildings managed by the Department of Management Services,
 127 | must, at a minimum, annually report all recycled materials to
 128 | the county using the department's designated reporting format.
 129 | Private businesses, other than certified recovered materials
 130 | dealers, that recycle paper, metals, glass, plastics, textiles,
 131 | rubber materials, and mulch, are encouraged to report the amount
 132 | of materials they recycle to the county annually beginning
 133 | January 1, 2011, using the department's designated reporting
 134 | format. Using the information provided, the department shall
 135 | recognize those private businesses that demonstrate outstanding
 136 | recycling efforts.

137 |
 138 | Notwithstanding any other provision of state or county law,
 139 | private businesses, other than certified recovered materials
 140 | dealers, shall not be required to report recycling rates. Cities

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141 with less than a population of 2,500 and per capita taxable
 142 value less than \$48,000 and cities with a per capita taxable
 143 value less than \$30,000 are exempt from the reporting
 144 requirement specified in this paragraph.

145 ~~(4)(3)~~ The Department of Environmental Protection shall
 146 develop a comprehensive recycling program that is designed to
 147 achieve the percentage under subsection (2) and submit the
 148 program to the President of the Senate and the Speaker of the
 149 House of Representatives by January 1, 2010. The program may not
 150 be implemented until approved by the Legislature. The program
 151 must be developed in coordination with input from state and
 152 local entities, private businesses, and the public. Under the
 153 program, recyclable materials shall include, but are not limited
 154 to, metals, paper, glass, plastic, textile, rubber materials,
 155 and mulch. Components of the program shall include, but are not
 156 limited to:

157 (a) Programs to identify environmentally preferable
 158 purchasing practices to encourage the purchase of recycled,
 159 durable, and less toxic goods. The Department of Management
 160 Services shall modify its procurement system to report on green
 161 and recycled products purchased through the system by September
 162 30, 2011.

163 (b) Programs to educate students in grades K-12 in the
 164 benefits of, and proper techniques for, recycling.

165 (c) Programs for statewide recognition of successful
 166 recycling efforts by schools, businesses, public groups, and
 167 private citizens.

168 (d) Programs for municipalities and counties to develop

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169 and implement efficient recycling efforts to return valuable
 170 materials to productive use, conserve energy, and protect
 171 natural resources.

172 (e) Programs by which the department can provide technical
 173 assistance to municipalities and counties in support of their
 174 recycling efforts.

175 (f) Programs to educate and train the public in proper
 176 recycling efforts.

177 (g) Evaluation of how financial assistance can best be
 178 provided to municipalities and counties in support of their
 179 recycling efforts.

180 (h) Evaluation of why existing waste management and
 181 recycling programs in the state have not been better used.

182 (5) The Department of Environmental Protection shall
 183 create the Recycling Business Assistance Center by December 1,
 184 2010. In carrying out its duties under this subsection, the
 185 department shall consult with state agency personnel appointed
 186 to serve as economic development liaisons under s. 288.021 and
 187 seek technical assistance from Enterprise Florida, Inc., to
 188 ensure the Recycling Business Assistance Center is positioned to
 189 succeed. The purpose of the center shall be to serve as the
 190 mechanism for coordination among state agencies and the private
 191 sector in order to coordinate policy and overall strategic
 192 planning for developing new markets and expanding and enhancing
 193 existing markets for recyclable materials in this state, other
 194 states, and foreign countries. The duties of the center must
 195 include, at a minimum:

196 (a) Identifying and developing new markets and expanding

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- 197 and enhancing existing markets for recyclable materials.
- 198 (b) Pursuing expanded end uses for recycled materials.
- 199 (c) Targeting materials for concentrated market-
- 200 development efforts.
- 201 (d) Developing proposals for new incentives for market
- 202 development, particularly focusing on targeted materials.
- 203 (e) Providing guidance on issues such as permitting,
- 204 finance options for recycling market development, site location,
- 205 research and development, grant program criteria for recycled
- 206 materials markets, recycling markets education and information,
- 207 and minimum content.
- 208 (f) Coordinating the efforts of various governmental
- 209 entities having market-development responsibilities in order to
- 210 optimize supply and demand for recyclable materials.
- 211 (g) Evaluating source-reduced products as they relate to
- 212 state procurement policy. The evaluation shall include, but is
- 213 not limited to, the environmental and economic impact of source-
- 214 reduced product purchases to the state. For the purposes of this
- 215 paragraph, the term "source-reduced" means any method, process,
- 216 product, or technology that significantly or substantially
- 217 reduces the volume or weight of a product while providing, at a
- 218 minimum, equivalent or generally similar performance and service
- 219 to and for the users of such materials.
- 220 (h) Providing evaluation of solid waste management grants,
- 221 pursuant to s. 403.7095, to reduce the flow of solid waste to
- 222 disposal facilities and encourage the sustainable recovery of
- 223 materials from Florida's waste stream.
- 224 (i) Providing below-market financing for companies that

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225 manufacture products from recycled materials or convert
 226 recyclable materials into raw materials for use in manufacturing
 227 pursuant to the Florida Recycling Loan Program as administered
 228 by the Florida First Capital Finance Corporation.

229 (j) Maintaining a continuously updated online directory
 230 listing the public and private entities that collect, transport,
 231 broker, process, or remanufacture recyclable materials in the
 232 state.

233 (k) Providing information on the availability and benefits
 234 of using recycled materials to private entities and industries
 235 in the state.

236 (l) Distributing any materials prepared in implementing
 237 this subsection to the public, private entities, industries,
 238 governmental entities, or other organizations upon request.

239 (m) Coordinating with the Agency for Workforce Innovation
 240 and its partners to provide job-placement and job-training
 241 services to job seekers through the state's workforce services
 242 programs.

243 Section 4. Subsection (1) of section 403.7046, Florida
 244 Statutes, is amended to read:

245 403.7046 Regulation of recovered materials.—

246 (1) Any person who handles, purchases, receives, recovers,
 247 sells, or is an end user of recovered materials shall annually
 248 certify to the department on forms provided by the department.
 249 The department may by rule exempt from this requirement
 250 generators of recovered materials; persons who handle or sell
 251 recovered materials as an activity which is incidental to the
 252 normal primary business activities of that person; or persons

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253 | who handle, purchase, receive, recover, sell, or are end users
 254 | of recovered materials in small quantities as defined by the
 255 | department. The department shall adopt rules for the
 256 | certification of and reporting by such persons and shall
 257 | establish criteria for revocation of such certification. ~~Prior~~
 258 | ~~to the adoption of such rules, the department shall appoint a~~
 259 | ~~technical advisory committee of no more than nine persons,~~
 260 | ~~including, at a minimum, representatives of the Florida~~
 261 | ~~Association of Counties, the Florida League of Cities, the~~
 262 | ~~Florida Recyclers Association, and the Florida Chapter of the~~
 263 | ~~National Solid Waste Management Association, to aid in the~~
 264 | ~~development of such rules.~~ Such rules shall be designed to
 265 | elicit, at a minimum, the amount and types of recovered
 266 | materials handled by registrants, and the amount and disposal
 267 | site, or name of person with whom such disposal was arranged, of
 268 | any solid waste generated by such facility. By February 1 of
 269 | each year, registrants shall report all required information to
 270 | the department and to all counties from which it received
 271 | materials. Such rules may provide for the department to conduct
 272 | periodic inspections. The department may charge a fee of up to
 273 | \$50 for each registration, which shall be deposited into the
 274 | Solid Waste Management Trust Fund for implementation of the
 275 | program.

276 | Section 5. Subsection (5) of section 403.7049, Florida
 277 | Statutes, is amended to read:

278 | 403.7049 Determination of full cost for solid waste
 279 | management; local solid waste management fees.—

280 | (5) In order to assist in achieving the municipal solid

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281 waste reduction goal and the recycling provisions of s.
 282 403.706(2) ~~s. 403.706(4)~~, a county or a municipality which owns
 283 or operates a solid waste management facility is hereby
 284 authorized to charge solid waste disposal fees which may vary
 285 based on a number of factors, including, but not limited to, the
 286 amount, characteristics, and form of recyclable materials
 287 present in the solid waste that is brought to the county's or
 288 the municipality's facility for processing or disposal.

289 Section 6. Paragraph (c) of subsection (2) and subsection
 290 (3) of section 403.705, Florida Statutes, are amended, and
 291 subsection (4) is added to that section, to read:

292 403.705 State solid waste management program.—

293 (2) The state solid waste management program shall
 294 include, at a minimum:

295 (c) Planning guidelines and technical assistance to
 296 counties and municipalities to aid in meeting the municipal
 297 solid waste recycling ~~reduction~~ goals established in s.
 298 403.706(2) ~~s. 403.706(4)~~.

299 (3) The department shall ~~periodically seek information~~
 300 ~~from counties to~~ evaluate and report biennially to the President
 301 of the Senate and the Speaker of the House of Representatives on
 302 the state's success in meeting the solid waste recycling
 303 ~~reduction~~ goal as described in s. 403.706(2).

304 (4) The department shall adopt rules creating a voluntary
 305 certification program for materials recovery facilities. The
 306 certification criteria shall be based upon the amount and type
 307 of materials recycled and the compliance record of the facility
 308 and may vary depending on the location in the state and the

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309 available markets for the materials that are processed. Any
310 materials recovery facility seeking certification shall file an
311 application to modify its permit, or shall include a
312 certification application as part of its original permit
313 application, which application shall not require an additional
314 fee. The department shall adopt a form for certification
315 applications, and shall require at least annual reports to
316 verify the continued qualification for certification. In order
317 to assist in the development of the certification program, the
318 department shall appoint a technical advisory committee.

319 Section 7. Subsections (2), (4), (6), (7), and (21) of
320 section 403.706, Florida Statutes, are amended to read:

321 403.706 Local government solid waste responsibilities.—

322 (2) (a) Each county shall implement a recyclable materials
323 recycling program that shall have a goal of recycling recyclable
324 solid waste by 40 percent by December 31, 2012, 50 percent by
325 December 31, 2014, 60 percent by December 31, 2016, 70 percent
326 by December 31, 2018, and 75 percent by December 31, 2020.

327 Counties and municipalities are encouraged to form cooperative
328 arrangements for implementing recycling programs.

329 (b) In order to assist counties in attaining the goals set
330 forth in paragraph (a), the Legislature finds that the recycling
331 of construction and demolition debris fulfills an important
332 state interest. Therefore, each county must implement a program
333 for recycling construction and demolition debris.

334 (c) In accordance with applicable local government
335 ordinances, newly developed property receiving a certificate of
336 occupancy, or its equivalent, on or after July 1, 2012, that is

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337 used for multifamily residential or commercial purposes, must
 338 provide adequate space and an adequate receptacle for recycling
 339 by tenants and owners of the property. This provision is limited
 340 to counties and municipalities that have an established
 341 residential, including multifamily, or commercial recycling
 342 program that provides recycling receptacles to residences and
 343 businesses and regular pick-up services for those receptacles.

344 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,
 345 the county, as determined by the department in accordance with
 346 applicable rules, has not reached the recycling goals as set
 347 forth in paragraph (a), the department may direct the county to
 348 develop a plan to expand recycling programs to existing
 349 commercial and multifamily dwellings, including, but not limited
 350 to, apartment complexes.

351 (e) If the state's recycling rate for the 2013 calendar
 352 year is below 40 percent, below 50 percent by January 1, 2015,
 353 below 60 percent by January 1, 2017, below 70 percent by January
 354 1, 2019, or below 75 percent by January 1, 2021, the department
 355 shall provide a report to the President of the Senate and the
 356 Speaker of the House of Representatives. The report shall
 357 identify those additional programs or statutory changes needed
 358 to achieve the goals set forth in paragraph (a). The report
 359 shall be provided no later than 30 days prior to the beginning
 360 of the Regular Session of the Legislature. The department is not
 361 required to provide a report to the Legislature if the state
 362 reaches its recycling goals as described in this paragraph.

363 (f) ~~(b)~~ Such programs shall be designed to recover a
 364 significant portion of at least four of the following materials

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365 from the solid waste stream prior to final disposal at a solid
 366 waste disposal facility and to offer these materials for
 367 recycling: newspaper, aluminum cans, steel cans, glass, plastic
 368 bottles, cardboard, office paper, and yard trash. Local
 369 governments which operate permitted waste-to-energy facilities
 370 may retrieve ferrous and nonferrous metal as a byproduct of
 371 combustion.

372 (g)~~(e)~~ Local governments are encouraged to separate all
 373 plastics, metal, and all grades of paper for recycling prior to
 374 final disposal and are further encouraged to recycle yard trash
 375 and other mechanically treated solid waste into compost
 376 available for agricultural and other acceptable uses.

377 (h) The department shall adopt rules establishing the
 378 method and criteria to be used by a county in calculating the
 379 recycling rates pursuant to this subsection.

380 ~~(d) By July 1, 2010, each county shall develop and~~
 381 ~~implement a plan to achieve a goal to compost organic materials~~
 382 ~~that would otherwise be disposed of in a landfill. The goal~~
 383 ~~shall provide that up to 10 percent and no less than 5 percent~~
 384 ~~of organic material would be composted within the county and the~~
 385 ~~municipalities within its boundaries. The department may reduce~~
 386 ~~or modify the compost goal if the county demonstrates to the~~
 387 ~~department that achievement of the goal would be impractical~~
 388 ~~given the county's unique demographic, urban density, or~~
 389 ~~inability to separate normally compostable material from the~~
 390 ~~solid waste stream. The composting plan is encouraged to address~~
 391 ~~partnership with the private sector.~~

392 (i)~~(e)~~ Each county is encouraged to consider plans for

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393 composting or mulching organic materials that would otherwise be
 394 disposed of in a landfill. The composting or mulching plans are
 395 encouraged to address partnership with the private sector.

396 (4) (a) In order to promote the production of renewable
 397 energy from solid waste, each megawatt-hour produced by a
 398 renewable energy facility using solid waste as a fuel shall
 399 count as 1 ton of recycled material and shall be applied toward
 400 meeting the recycling goals set forth in this section. If a
 401 county creating renewable energy from solid waste implements and
 402 maintains a program to recycle at least 50 percent of municipal
 403 solid waste by a means other than creating renewable energy,
 404 that county shall count 2 tons of recycled material for each
 405 megawatt-hour produced. If waste originates from a county other
 406 than the county in which the renewable energy facility resides,
 407 the originating county shall receive such recycling credit. Any
 408 county that has a debt service payment related to its waste-to-
 409 energy facility shall receive 1 ton of recycled materials credit
 410 for each ton of solid waste processed at the facility. Any
 411 byproduct resulting from the creation of renewable energy does
 412 not count as waste. A county's solid waste management and
 413 ~~recycling programs shall be designed to provide for sufficient~~
 414 ~~reduction of the amount of solid waste generated within the~~
 415 ~~county and the municipalities within its boundaries in order to~~
 416 ~~meet goals for the reduction of municipal solid waste prior to~~
 417 ~~the final disposal or the incineration of such waste at a solid~~
 418 ~~waste disposal facility. The goals shall provide, at a minimum,~~
 419 ~~that the amount of municipal solid waste that would be disposed~~
 420 ~~of within the county and the municipalities within its~~

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421 ~~boundaries is reduced by at least 30 percent.~~

422 (b) A county may receive credit for one-half of the
 423 recycling goal set forth in subsection (2) ~~for waste reduction~~
 424 from the use of yard trash, or other clean wood waste or paper
 425 waste, in innovative programs including, but not limited to,
 426 programs that produce alternative clean-burning fuels such as
 427 ethanol or that provide for the conversion of yard trash or
 428 other clean wood waste or paper waste to clean-burning fuel for
 429 the production of energy for use at facilities other than a
 430 waste-to-energy facility as defined in s. 403.7061. The
 431 provisions of this paragraph apply only if a county can
 432 demonstrate that:

433 1. The county has implemented a yard trash mulching or
 434 composting program, and

435 2. As part of the program, compost and mulch made from
 436 yard trash is available to the general public and in use at
 437 county-owned or maintained and municipally owned or maintained
 438 facilities in the county and state agencies operating in the
 439 county as required by this section.

440 (c) A county with a population of 100,000 or less may
 441 provide its residents with the opportunity to recycle in lieu of
 442 achieving the goal set forth in this section ~~paragraph (a)~~. For
 443 the purposes of this section subsection, the "opportunity to
 444 recycle" means that the county:

- 445 1.a. Provides a system for separating and collecting
- 446 recyclable materials prior to disposal that is located at a
- 447 solid waste management facility or solid waste disposal area; or
- 448 b. Provides a system of places within the county for

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449 collection of source-separated recyclable materials.

450 2. Provides a public education and promotion program that
 451 is conducted to inform its residents of the opportunity to
 452 recycle, encourages source separation of recyclable materials,
 453 and promotes the benefits of reducing, reusing, recycling, and
 454 composting materials.

455 (6) The department may reduce or modify the municipal
 456 solid waste recycling ~~reduction~~ goal that a county is required
 457 to achieve pursuant to subsection (2) ~~(4)~~ if the county
 458 demonstrates to the department that:

459 (a) The achievement of the goal set forth in subsection
 460 (2) ~~(4)~~ would have an adverse effect on the financial
 461 obligations of a county that are directly related to a waste-to-
 462 energy facility owned or operated by or on behalf of the county;
 463 and

464 (b) The county cannot remove normally combustible
 465 materials from solid waste that is to be processed at a waste-
 466 to-energy facility because of the need to maintain a sufficient
 467 amount of solid waste to ensure the financial viability of the
 468 facility.

469
 470 The goal shall not be waived entirely and may only be
 471 reduced or modified to the extent necessary to alleviate the
 472 adverse effects of achieving the goal on the financial viability
 473 of a county's waste-to-energy facility. Nothing in this
 474 subsection shall exempt a county from developing and
 475 implementing a recycling program pursuant to this act.

476 (7) In order to assess the progress in meeting the goal

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477 set forth ~~established~~ in subsection (2) ~~(4)~~, each county shall,
 478 by April 1 ~~November~~ each year, provide information to the
 479 department regarding its annual solid waste management program
 480 and recycling activities.

481 (a) The information submitted to the department by the
 482 county must, at a minimum, include:

483 1.(a) The amount of municipal solid waste disposed of at
 484 solid waste disposal facilities, by type of waste such as yard
 485 trash, white goods, clean debris, tires, and unseparated solid
 486 waste;

487 2.(b) The amount and type of materials from the municipal
 488 solid waste stream that were recycled; and

489 3.(c) The percentage of the population participating in
 490 various types of recycling activities instituted.

491 (b) Beginning with the data for the 2012 calendar year,
 492 the department shall by July 1 each year post on its website the
 493 recycling rates of each county for the prior calendar year.

494 (21) Local governments are authorized to enact ordinances
 495 that require and direct all residential properties, multifamily
 496 dwelling, and apartment complexes and industrial, commercial,
 497 and institutional establishments as defined by the local
 498 government to establish programs for the separation of
 499 recyclable materials designated by the local government, which
 500 recyclable materials are specifically intended for purposes of
 501 recycling and for which a market exists, and to provide for
 502 their collection. Such ordinances may include, but are not
 503 limited to, provisions that prohibit any person from knowingly
 504 disposing of recyclable materials designated by the local

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505 government and that ensure the collection of recovered materials
 506 as necessary to protect public health and safety.

507 Section 8. Paragraphs (d) through (i) of subsection (3) of
 508 section 403.7061, Florida Statutes, are redesignated as
 509 paragraphs (c) through (h), respectively, and present paragraph
 510 (c) of that subsection is amended to read:

511 403.7061 Requirements for review of new waste-to-energy
 512 facility capacity by the Department of Environmental
 513 Protection.—

514 (3) An applicant must provide reasonable assurance that
 515 the construction of a new waste-to-energy facility or the
 516 expansion of an existing waste-to-energy facility will comply
 517 with the following criteria:

518 ~~(c) The county in which the facility is located has~~
 519 ~~implemented and maintains a solid waste management and recycling~~
 520 ~~program that is designed to achieve the waste reduction goal set~~
 521 ~~forth in s. 403.706(4). For the purposes of this section, the~~
 522 ~~provisions of s. 403.706(4)(c) for counties having populations~~
 523 ~~of 100,000 or fewer do not apply.~~

524 Section 9. Paragraph (g) of subsection (9) of section
 525 403.707, Florida Statutes, is amended to read:

526 403.707 Permits.—

527 (9) The department shall establish a separate category for
 528 solid waste management facilities that accept only construction
 529 and demolition debris for disposal or recycling. The department
 530 shall establish a reasonable schedule for existing facilities to
 531 comply with this section to avoid undue hardship to such
 532 facilities. However, a permitted solid waste disposal unit that

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533 receives a significant amount of waste prior to the compliance
 534 deadline established in this schedule shall not be required to
 535 be retrofitted with liners or leachate control systems.

536 (g) By January 1, 2012, the amount of construction and
 537 demolition debris processed and recycled prior to disposal at a
 538 permitted materials recovery facility or at any other permitted
 539 disposal facility shall be reported by the county of origin to
 540 the department and to the county on an annual basis in
 541 accordance with rules adopted by the department. The rules shall
 542 establish criteria to ensure accurate and consistent reporting
 543 for purposes of determining the recycling rate in s. 403.706
 544 and shall also require that, to the extent economically
 545 feasible, all construction and demolition debris must be
 546 processed prior to disposal, either at a permitted materials
 547 recovery facility or at a permitted disposal facility. This
 548 paragraph does not apply to recovered materials, any materials
 549 that have been source separated and offered for recycling, or
 550 materials that have been previously processed. ~~It is the policy~~
 551 ~~of the Legislature to encourage facilities to recycle. The~~
 552 ~~department shall establish criteria and guidelines that~~
 553 ~~encourage recycling where practical and provide for the use of~~
 554 ~~recycled materials in a manner that protects the public health~~
 555 ~~and the environment. Facilities are authorized to recycle,~~
 556 ~~provided such activities do not conflict with such criteria and~~
 557 ~~guidelines.~~

558 Section 10. Paragraph (e) of subsection (1) of section
 559 403.709, Florida Statutes, is amended to read:

560 403.709 Solid Waste Management Trust Fund; use of waste

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561 | tire fees.—There is created the Solid Waste Management Trust
 562 | Fund, to be administered by the department.

563 | (1) From the annual revenues deposited in the trust fund,
 564 | unless otherwise specified in the General Appropriations Act:

565 | (e) A minimum of 40 percent shall be used for funding a
 566 | solid waste management ~~competitive and innovative~~ grant program
 567 | pursuant to s. 403.7095 for activities relating to recycling and
 568 | waste reduction, including waste tires requiring final disposal.

569 | Section 11. Section 403.7095, Florida Statutes, is amended
 570 | to read:

571 | 403.7095 Solid waste management grant program.—

572 | ~~(1) The department shall develop a competitive and~~
 573 | ~~innovative grant program for counties, municipalities, special~~
 574 | ~~districts, and nonprofit organizations that have legal~~
 575 | ~~responsibility for the provision of solid waste management~~
 576 | ~~services. For purposes of this program, "innovative" means that~~
 577 | ~~the process, technology, or activity for which funding is sought~~
 578 | ~~has not previously been implemented within the jurisdiction of~~
 579 | ~~the applicant. The applicant must:~~

580 | ~~(a) Demonstrate technologies or processes that represent a~~
 581 | ~~novel application of an existing technology or process to~~
 582 | ~~recycle or reduce waste, or that overcome obstacles to recycling~~
 583 | ~~or waste reduction in new or innovative ways;~~

584 | ~~(b) Demonstrate innovative processes to collect and~~
 585 | ~~recycle or reduce materials targeted by the department and the~~
 586 | ~~recycling industry; or~~

587 | ~~(c) Demonstrate effective solutions to solving solid waste~~
 588 | ~~problems resulting from waste tires, particularly in the areas~~

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589 ~~of enforcement and abatement of illegal tire dumping and~~
 590 ~~activities to promote market development of waste tire products.~~

591
 592 ~~Because the Legislature recognizes that input from the~~
 593 ~~recycling industry is essential to the success of this grant~~
 594 ~~program, the department shall cooperate with private sector~~
 595 ~~entities to develop a process and define specific criteria for~~
 596 ~~allowing their participation with grant recipients.~~

597 ~~(2) The department shall evaluate and prioritize the~~
 598 ~~annual grant proposals and present the annual prioritized list~~
 599 ~~of projects to be funded to the Governor and the Legislature as~~
 600 ~~part of its annual budget request submitted pursuant to chapter~~
 601 ~~216. Potential grant recipients are encouraged to demonstrate~~
 602 ~~local support for grant proposals by the commitment of cash or~~
 603 ~~in-kind matching funds.~~

604 ~~(1)~~(3) The department shall develop a consolidated grant
 605 program for small counties having populations fewer than
 606 100,000, with grants to be distributed equally among eligible
 607 counties. Programs to be supported with the small-county
 608 consolidated grants include general solid waste management,
 609 litter prevention and control, and recycling and education
 610 programs.

611 ~~(2)~~(4) The department shall develop a waste tire grant
 612 program making grants available to all counties. The department
 613 shall ensure that at least 25 percent of the funding available
 614 for waste tire grants is distributed equally to each county
 615 having a population fewer than 100,000. Of the remaining funds
 616 distributed to counties having a population of 100,000 or

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617 greater, the department shall distribute those funds on the
 618 basis of population.

619 ~~(3)-(5)~~ From the funds made available pursuant to s.
 620 403.709(1)(e) for the grant program created by this section, the
 621 following distributions shall be made:

622 ~~(a) Up to 15 percent for the program described in~~
 623 ~~subsection (1);~~

624 ~~(a)-(b)~~ Up to 50 ~~35~~ percent for the program described in
 625 subsection (1) ~~(3)~~; and

626 ~~(b)-(e)~~ Up to 50 percent for the program described in
 627 subsection (2) ~~(4)~~.

628 ~~(4)-(6)~~ The department may adopt rules necessary to
 629 administer this section, including, but not limited to, rules
 630 governing timeframes for submitting grant applications, criteria
 631 for prioritizing, matching criteria, maximum grant amounts, and
 632 allocation of appropriated funds based upon project and
 633 applicant size.

634 ~~(7) Notwithstanding any provision of this section to the~~
 635 ~~contrary, and for the 2009-2010 fiscal year only, the Department~~
 636 ~~of Environmental Protection shall award the sum of \$2,600,000 in~~
 637 ~~grants equally to counties having populations of fewer than~~
 638 ~~100,000 for waste tire and litter prevention, recycling~~
 639 ~~education, and general solid waste programs. This subsection~~
 640 ~~expires July 1, 2010.~~

641 ~~(8)(a) Notwithstanding any provision of this section to~~
 642 ~~the contrary, and for the 2008-2009 fiscal year only, the~~
 643 ~~Department of Environmental Protection shall award:~~

644 ~~1. The sum of \$9,428,773 in grants equally to counties~~

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645 ~~having populations of fewer than 100,000 for waste tire and~~
 646 ~~litter prevention, recycling education, and general solid waste~~
 647 ~~programs.~~

648 ~~2. The sum of \$2,000,781 to be used for the Innovative~~
 649 ~~Grant Program.~~

650 ~~(b) This subsection expires July 1, 2009.~~

651 Section 12. Subsection (1) of section 403.7145, Florida
 652 Statutes, is amended, and subsection (3) is added to that
 653 section, to read:

654 403.7145 Recycling.—

655 (1) The Capitol and the House and Senate office buildings
 656 constitute the Capitol recycling area. The Florida House of
 657 Representatives, the Florida Senate, and the Office of the
 658 Governor, the Secretary of State, and each Cabinet officer who
 659 heads a department that occupies office space in the Capitol,
 660 shall institute a recycling program for their respective offices
 661 in the House and Senate office buildings and the Capitol.
 662 Provisions shall be made to collect and sell wastepaper and
 663 empty ~~aluminum~~ beverage containers ~~ens~~ generated by employee
 664 activities in these offices. The collection and sale of such
 665 materials shall be reported to Leon County using the
 666 department's designated reporting format and coordinated with
 667 Department of Management Services recycling activities to
 668 maximize the efficiency and economy of this program. The
 669 Governor, the Speaker of the House of Representatives, the
 670 President of the Senate, the Secretary of State, and the Cabinet
 671 officers may authorize the use of proceeds from recyclable
 672 material sales for employee benefits and other purposes, in

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673 | order to provide incentives to their respective employees for
 674 | participation in the recycling program. Such proceeds may also
 675 | be used to offset any costs of the recycling program. As a
 676 | demonstration of leading by example, the Capitol Building's
 677 | recycling rates shall be posted on the website of the Department
 678 | of Management Services and shall include the details of the
 679 | recycling rates for each Department of Management Services pool
 680 | facility. The Department of Environmental Protection shall post
 681 | recycling rates of each state-owned facility reported to the
 682 | Department of Management Services.

683 | (3) The department shall develop and contract for an
 684 | innovative recycling pilot project for the Capitol recycling
 685 | area. The project shall be designed to collect recyclable
 686 | materials and create a more sustainable recycling system.
 687 | Components of the project shall be designed to increase
 688 | convenience, incentivize and measure participation, reduce
 689 | material volume, and assist in achieving the recycling goals
 690 | enumerated in s. 403.706.

691 | Section 13. Paragraph (m) is added to subsection (1) of
 692 | section 553.77, Florida Statutes, to read:

693 | 553.77 Specific powers of the commission.—

694 | (1) The commission shall:

695 | (m) Develop recommendations that increase residential and
 696 | commercial recycling and composting and strongly encourage the
 697 | use of recyclable materials and the recycling of construction
 698 | and demolition debris.

699 | Section 14. Section 288.1185, Florida Statutes, is
 700 | repealed.

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Section 15. This act shall take effect July 1, 2010.